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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/335,189 06/17/99 YUYAMA

H 120/P-4864

EXAMINER

TM02/0725

WENDEROTH LIND AND PONACK LLP
2033 K STREET NW SUITE 800
WASHINGTON DC 20006

MORGAN, R

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

07/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/335,189

Applicant(s)

YUYAMA ET AL.

Examiner

Robert W. Morgan

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Amendment

1. In the amendment filed 5/7/01 in paper number 5, the following has occurred: Claims 1-12 has been withdrawn from consideration without traverse and claim 13-25 have been added. Now claims 13-25 are presented for examination.

2. Applicant's arguments filed 5/7/01 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,547,764 to Halvorson.

As per claim 13, Halvorson teaches a drug preparation order system comprising: a control unit operable to carry out logic operations and to output control signals based on drug preparation data, said control unit comprising:

--the claimed data storage portion operable to store a first set of data, the first set of data corresponding to the drug preparation data is met by the computer (10, Fig. 1) including data storage which stores long and short term data with regards to the patient's medication (see: column 2, lines 67 to column 3, lines 12);

--the claimed printer setting portion is met by one or more printers in strategic location that provide reports of patient's medication (see: column 3, lines 23-27);

--the claimed monitor operable to display a second set of data, the second set of data corresponding to the drug preparation data is met by the monitor (30, Fig. 1) at the dispenser (32, Fig. 1), which displays inputted patient drug information (see: column 3, lines 28-34 and Fig. 1).

--the claimed input device operable to enable a user to enter the first set of data into said control unit is met by the keyboard (20, Fig. 1) which allows the user to input drug information (see: column 3, lines 5-12);

--the claimed plurality of printer connected to said control unit, said plurality of printers operable to print on drug preparation order sheets in response to the control signals is met by the one or more printer (21, Fig. 1) connected to the dispenser (32, Fig. 1) connected to the central computer (10, Fig. 1) that print hardcopy medical patient information and reports (see: column 3, lines 23-27 and lines 31-34);

--the claimed printer setting portion is operable to store a third set of data, the third set of data corresponding to a correlation between the drug preparation data and said plurality of printer met by the printer (21, Fig. 1) that prints the patient medical data and reports and the computer (10, Fig. 1) which stores data inputted by the user (see: column 2, lines 67 to column 3, lines 12 and column 3, lines 23-27);

--the claimed monitor is operable to display a fourth set of data, said fourth set of data corresponding to a correlation between the drug preparation data and the third set of data is met by the monitor (30, Fig. 1) at dispenser (32, Fig. 1) which displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1);

--the claimed input device is operable to enable the user to modify any one of the first set of data and the third set of data by way of modifying any one of the second set of data and the fourth set of data is met by the user's ability to perform information inquiry and make modification with the keyboard (20, Fig. 1) about previously stored or current patient drug information (see: column 3, lines 15-27).

As per claim 14, Halvorson teaches the claimed drug preparation data includes data corresponding to a patient name, a patient code, a drug code, taking directions, and dosage is met by the system database, which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication (see: column 9, lines 42-45, 54-55, column 10, lines 54).

As per claim 15, Halvorson teaches the claimed first type of communicator connected to said control unit, said first type of communicator being operable to transmit drug preparation order data provided by said control unit is met by dispenser (32, Fig. 1) which receives patient drug data from the central computer (10, Fig. 1) (see: column 3, lines 47-51).

--the claimed plurality of trays, each having a second type or communicator, said plurality of trays and said control unit are combined as a system are by met by the plurality of dispenser (32, Fig. 2) including communication interface in the form of computer monitor, keyboard, and printer as seen in Figure 2;

--the claimed second type of communicators is operable to communicate with said first type of communicator is met by plurality of dispenser (32, Fig. 1) which communicates the central computer (10, Fig. 1) (see: column 3, lines 27-33);

--the claimed trays has a display portion is met by the dispenser (32, Fig. 1) which has a monitor and trays which hold the drugs (see: Fig. 2); and

--the claimed display portions are operable to display the drug preparation order data sent from said control unit by said first type of communicator is met by the monitor (30, Fig. 1) at dispenser (32, Fig. 1) which displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1).

As per claim 16, Halvorson teaches the claimed printers are operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which is dispensed by the dispenser (32, Fig. 1) and outputted by the printer (21, Fig. 1) (see: column 51-53).

As per claim 17, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates with the central computer (10, Fig. 1) that receives the inputted drug data (see: column 3, lines 27-33).

As per claim 18, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 19, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33).

As per claim 20, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 21, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 22, Halvorson teaches the claimed order to put drugs in a plurality of trays according to the drug types and the number of days for which the drugs are to be prescribed, the drugs can be assigned to said plurality of trays is met (see: column 3, lines 47-63).

As per claim 23, Halvorson teaches the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into plurality of trays is met (see: column 3, lines 51-53).

As per claim 24, Halvorson teaches the claimed control unit is operable to transmit identification to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 25, the clamed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

Response to Arguments

4. In the remarks, applicants argue in substance that, (1) Halvorson does not display data relating to drug preparation and data relating to a correspondence between the drug preparation data and respective printers on a monitor and (2) Halvorson is not operable to enable a user to modify data in the control unit by modifying data displayed on the monitor.

In response to Applicant's arguments, (1) the recitation that the respective printers on the monitor does not display drug related data is not considered persuasive since the reference of Halvorson teaches a monitor (30, Fig. 1), which is a remote video display units that displays information entry including all medication orders, inventory data and patient orders to the printer (21, Fig. 1) at the dispenser (32, Fig. 1) (see: column 3, lines 18-34 and Fig. 1).

In response to Applicant's arguments, (2) that Halvorson is not operable to enable a user to modify data is not considered persuasive since the reference of Halvorson teaches that the

user's has the ability to perform information inquiry and make modification with the keyboard (20, Fig. 1) in relation to previously stored or current patient drug information.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is 703-605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-746-5583 for After Final communications.

Art Unit: 2166

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Robert Morgan

Robert Morgan

July 17, 2001



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100